IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

TUESDAY, THE FOURTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

HON'BLE MR JUSTICE B. SUDERSHAN REDDY

and
HON'BLE MR JUSTICE C.V.RAMULU

WRIT APPEAL No.1997 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 16/11/2004 in WPMP No.9756 of 2004 and WVMP No.3204 of 2004 in W.P. No.7483 OF 2004 on the file of the High Court.)

Between:

1 Smt. Kudaravalli Devi Kumari W/o Radhakrishna Murthy
R/o Alameda, California USA rep by her General Power of

Attorney Holder Muppavarapu Hemanth Kumar S/o Chowdary
R/o H. No. 9-120/1, Ashok Nagar, Vijayawada-7 Krishna

district
2 Sri Muppavarapu Chowdhary and LeelaRamakrishna Prasat

Trust, Vijayawada rep by Trustee Muppavarapu Hemanth

Kumar S/o Chowdary R/o H. No. 9-120/1, Ashok Nagar,

Vijayawada-7 Krishna district

..... APPELLANT(S)

AND

1 The District Collector, Krishna District at Machiliptnam
2 The Sub Collector, Vijayawada
3 The Mandal Revenue Officer Penamaluru Revenue Mandal Penamaluru Post and Mandal Krishna District
4 The Secretary Kanur Grampanchayat, Kanuru Vijayawada, Krishna District

5. The Vijayawada-Guntur-Tenali-Mangalagiri Urban

Development Authority, Governorpet, Vijayawada rep by Vice Chairman

6 Sri Polavarapu Vasudev S/o Satyanarayana Rao
R/o WF-1, Kanchen Complex, Moghalrajpuram Vijayawada
7 Annabathula Srinivasa Rao S/o Venkateswara Rao
r/o 9-130 Salipet, Poranki Penamaluru Mandal, Vijayawada

.....RESPONDENTS

Counsel for the Appellant :Mr. O.Manoher Reddy

Counsel for the Respondent Nos.1 to 5: G.P. for Revenue

Counsel for the Respondent Nos.6 & 7: Mr. P.Ramabrahmam

The Court made the following :

ORAL JUDGMENT: (Per Hon'ble Mr. Justice B.Sudershan Reddy)

According to the averments made in the affidavit filed in support of the writ petition, what is assigned in favour of the seventh respondent is part of the road, which is shown as such even in the master plan. Prima facie, no such assignment could have been made in favour of the seventh respondent by the Mandal Revenue Officer, Penamaluru Mandal, Krishna district. In such view of the matter, the learned single Judge ought not to have vacated the interim order granted by this Court on 21-04-2004. The interim order is accordingly made absolute.

The Writ Appeal is accordingly allowed. Expedite hearing of the writ petition and post the writ petition for hearing in the second week of February, 2005 before which counter-affidavit will be filed by the Mandal Revenue Officer, Penamaluru Mandal,

Krishna district.

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B.SUDERSHAN REDDY, J

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C.V.RAMULU, J

14-12-2004

bsc

To

1 The District Collector, Krishna District at Machiliptnam
2 The Sub Collector, Vijayawada
3 The Mandal Revenue Officer Penamaluru Revenue Mandal Penamaluru Post and Mandal Krishna District
4 The Secretary Kanur Grampanchayat, Kanuru Vijayawada, Krishna District

5. The Vice Chairman, Vijayawada-Guntur-Tenali-Mangalagiri Urban Development Authority, Governorpet, Vijayawada.

6. 2 CCs to Govt. Pleader for Revenue, High Court buildings, Hyderabad (OUT)

7. 2 CD copies

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